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AUG 26 2011	
UNITED STATES DISTRICT COURT	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

JOHN COLWELL,

Plaintiff,

vs.

ROBERT BANNISTER, et. al.,

Defendants.

3:10-cv-00669-LRH (RAM)

**MINUTES OF THE COURT**

August 26, 2011

PRESENT: THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGEDEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARINGCOUNSEL FOR PLAINTIFF(S): NONE APPEARINGCOUNSEL FOR DEFENDANT(S): NONE APPEARING**MINUTE ORDER IN CHAMBERS:**

Defendants have filed a Motion to Strike First Amended Complaint (Doc. #30).

A review of the docket in this case indicates that Defendants filed an Answer to the Complaint on March 7, 2011 (Doc. #11) and the Amended Complaint (Doc. #29) was not filed until August 12, 2011.

Fed. R. Civ. P. 15(a) provides that after an answer has been filed "a party may amend its pleading only with the opposing party's written consent or the court's leave." Plaintiff did not obtain leave of court or written consent of the Defendants prior to filing the Amended Complaint. Moreover, Plaintiff's amendment is untimely. The court entered a scheduling order in this case on March 7, 2011, providing that any amendments to pleadings as provided for under Fed.R.Civ.P. 15, or motions for leave to amend, shall comply with Local Rule 15-1 and shall be filed and served within sixty (60) days from the date of the scheduling order. (See Doc. # 13 at 1.)

Defendants' Motion to Strike Plaintiff's First Amended Complaint (Doc. #30) is **GRANTED**. The First Amended Complaint filed by Plaintiff (Doc. # 29) shall be **STRICKEN** and the Clerk shall return the First Amended Complaint to Plaintiff.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: /s/

Deputy Clerk